

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY J. WEBSTER,
Petitioner,

vs.

ROBERT L. AYERS,
Warden of the California State Prison
at San Quentin,
Respondent.

No. CIV S-93-0306 LKK DAD DP

DEATH PENALTY CASE

SECOND REVISED SCHEDULING ORDER

This capital habeas action came before the Court on August 13, 2008, for a status conference. James S. Thomson and Timothy J. Foley appeared on behalf of petitioner. Deputy Attorney General Catherine Chatman appeared on behalf of respondent.

Having considered the written materials submitted in connection with the status conference, and after hearing from the parties, and good cause appearing, the schedule regarding the claims for which an evidentiary hearing was granted is hereby revised as follows:

1. Briefing and evidentiary submission having been completed, the ineffective assistance of counsel at penalty phase claim is submitted for decision.
2. With regard to the appellate process claim:
 - A. Respondent shall file any opposition or objections to the petitioner's witnesses, declarations and exhibits by September 8, 2008.

1 B. Depositions of the witnesses shall be completed by November 3, 2008.

2 C. An evidentiary hearing, should in-court testimony be required on this
3 claim, is set for December 10, 2008, at 9:00.

4 D. The previously set date for the evidentiary hearing, October 15, 2008, is
5 vacated.

6 2. A status conference is set for November 5, 2008, at 9:00. At that status
7 conference, the parties should discuss the general progress of the case, any
8 problems with the evidentiary presentation, possible briefing schedules, possible
9 bifurcation of the claims, and the progress of the no narrowing claim.

10 IT IS SO ORDERED.

11 DATED: August 13, 2008.

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13 _____
14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

16 Ddad1/orders.capital/webster0306.schedord.revised

17 submitted by:

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